

ADDENDUM # 3
TO SPEC. 05-270
Request for Proposals
Landfill Development and Closure Projects
at the Bluff Road Landfill
CIP 569282 and 569343

Proposal receiving date: Wednesday, November 9, 2005.

The attached Executive Order No. 68026 was to be included with Addendum # 2.

All other terms and conditions remain unchanged.

Dated this 2nd day of November, 2005.

Purchasing Department,

Mary L. Long
Assistant Purchasing Agent

EXECUTIVE ORDER NO. 68026

WHEREAS, Article VII, Section 2 of the Charter of the City of Lincoln specifically excludes contracts for professional services from the requirement of competitive bidding; and

WHEREAS, it is nevertheless appropriate for all departments of the City of Lincoln to select consultants to provide professional consulting services in accordance with a uniform procedure.

NOW, THEREFORE, BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of Lincoln, Nebraska:

The following procedures shall be utilized in selecting firms for the provision of professional consulting services to the City:

1. **DEFINITIONS**

For purposes of this executive order the following definitions shall apply:

- A. **Professional consulting services** shall include only those services within the scope of the practice of architecture, professional engineering, and landscape architecture, and consulting services related to land use planning, parks and urban development including facilitation and public process services.
- B. **Estimated compensation** shall mean the total amount to be paid by the City for professional consulting services. In the case of a multi-year contract, estimated compensation shall include the total compensation to be paid over the whole term of the agreement. A project shall not be split up into phases to reduce the estimated compensation.
- C. **Firm** shall include any individual, partnership, corporation, company, or consortium offering professional consulting services or responding to a request for proposals offered by the City.
- D. **Major Projects** shall mean Projects funded in the City's Capital Improvement Program involving projects of the Public Works and Utilities Department coordinated through the Department Head of the Public Works and Utilities Department.

2. **SELECTION POLICIES AND PROCEDURES**

- A. The Department Head sponsoring the project shall determine the estimated compensation for the professional consulting services required; Provided, that work for a single project shall not be unreasonably divided or split into separate agreements to avoid the procedures herein. The procedure for selecting a firm to provide such professional consulting services to the City shall be based upon the estimated compensation as follows:

(1) Under \$50,000 (\$100,000 for Major Projects) — The Department Head, without advertisement, shall directly select the firm, and is hereby authorized to negotiate for and establish the compensation to be paid therefor. Consideration for selection shall include, but shall not be limited to, the following:

- (a) Sufficient professional staff to meet project schedules.
- (b) Performance record for timeliness.
- (c) Reputation for and examples of quality workmanship and project management ability.
- (d) Current workload with the City.
- (e) Any other specialized qualification which a firm might possess which would be of benefit to the project, such as familiarity with local conditions and design criteria.
- (f) Cost of said services unless prohibited by applicable rule, regulation or law.

(2) \$50,000 to \$250,000 (\$100,000 to \$250,000 for Major Projects) — The Department Head shall secure at least three written proposals for the professional services and shall rank the firms First, Second, Third, etc. Selection shall follow the considerations set out in sub- section 2A(1)(a) through (f) above. With the Mayor's approval, the Department Head shall directly negotiate the amount of compensation to be paid with the number one firm. Negotiations shall follow the format listed in Section 4, with the exception of the committee and purchasing agent's involvement.

(3) Above \$250,000 -- The City shall issue a request for proposals for any professional consulting services having an estimated cost above \$250,000, which request for proposals shall be advertised at least once in a daily newspaper having general circulation in the City of Lincoln. Such request for proposals shall indicate where firms wishing to participate can obtain a copy of the scope of the professional services required. The Selection Committee shall select at least two but not more than four of the best qualified firms in accordance with the considerations set out in subsection 2A(1)(a) through (f) above, and based upon the response to the items set out in subsection B below. The Selection Committee shall rank the firms First, Second, etc.

The best qualified firms shall be given a time and place for a personal interview by the Selection Committee. After review of submitted materials and the personal interview, the Selection Committee shall rank the firms First, Second, etc.

B. Information which must be included in response to the Request for Proposals shall include, as a minimum , the following:

- (1) Firm name, address, telephone number.
- (2) Years established and former names.
- (3) Type of services particularly qualified to perform.

- (4) Names of principals and states in which they are registered.
- (5) Names of key personnel to be used for the proposed work, experience of each, and length of service with the firm.
- (6) Number of staff usually and currently employed.
- (7) Outside consultants and associates usually and currently employed.
- (8) List of completed projects of similar nature for which the firm was the principal professional.
- (9) Current projects of the firm and estimated construction costs of each.
- (10) Willingness and capability to meet the time requirements expressed in the Scope of Services.
- (11) Other additional material as may be required in the request for proposal or project description.

3. **SELECTION COMMITTEE**

The Selection Committee responsible for selecting the firms where required shall consist of at least, the following five members:

- A. The director of the department sponsoring the project or designated representative shall chair this Committee.
- B. The Purchasing Agent or designated representative.
- C. Three other members, appropriate to the project and appointed by the Mayor. Such members may be City personnel or residents of the City. If such members are non-city personnel, they shall not be involved in City projects which may create a conflict of interest.

4. **NEGOTIATIONS FOR COMPENSATION**

The firm ranked First shall be notified to appear and develop the Scope of Services and negotiate terms, conditions, and compensation for professional services with a Negotiating Committee selected by the Mayor from the Selection Committee. The Purchasing Agent (Department Head for Major Projects) or designated representative shall head the negotiations. If the Negotiating Committee and firm selected First cannot come to an agreement regarding the compensation, the negotiations with that firm shall be terminated and the firm ranked Second shall be contacted. If the factors which caused them to be ranked as such have not changed, negotiations shall be initiated with them. The procedure shall be repeated until an agreement is reached, if it can be reached. In all cases where the negotiations are terminated, the reasons and facts surrounding those negotiations shall be recorded in writing by the Negotiating Committee and submitted to the Mayor and the Department Head sponsoring the project. Should the Negotiating Committee be unable to negotiate a contract satisfactory to the City with any of the initially selected firms, the Mayor and the Department Head sponsoring the project shall be advised, and the selection process begun again.

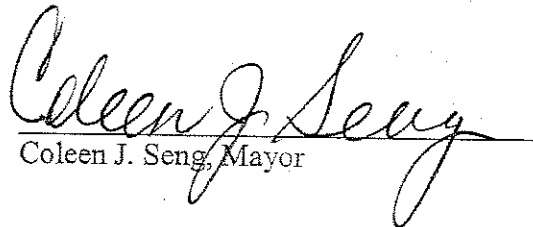
5. **EXEMPTIONS**

The procedure established above for the selection of firms to provide professional services need not be utilized in the following instances:

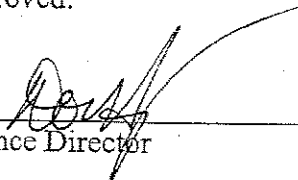
- A. Selection of appraisers in anticipation of acquisition of property.
 - B. In any case where previous preliminary or final design work (but not simply conceptual design work) performed by a professional consultant warrants utilizing or continuing the utilization of that professional firm on a project so as to avoid delay, inefficiency, lack of coordination, or duplication of effort, based upon the recommendation of the head of the department employing such professional firm.
 - C. In any case where the Mayor determines that the best interests of the City warrant immediate selection of a firm to provide professional consulting services.
- Notwithstanding any exemption, the determination of compensation to be paid for such services shall be negotiated by the Department Head of the department contracting for such services.

6. This Executive Order supersedes Executive Order No. 051379 dated September 23, 1996.

Dated this 6th day of August 2003.

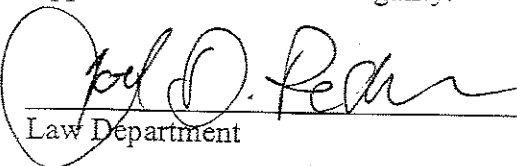

Coleen J. Seng, Mayor

Approved:



Finance Director

Approved as to Form & Legality:



Law Department